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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,366	04/24/2001	Deborah A. Louis Wallace	SPCII15495	6571

26389 7590 06/24/2010
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EXAMINER

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ART UNIT	PAPER NUMBER
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2455

NOTIFICATION DATE	DELIVERY MODE
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06/24/2010

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/842,366
Filing Date: April 24, 2001
Appellant(s): LOUIS WALLACE ET AL.

Clint Feekes (Reg No 51,670)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/18/09 appealing from the Office action mailed 1/22/09.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-18, 27-28, 31, and 33-37.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has a comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Under "Ground 3", it is unclear why the appellants have omitted certain claims from the rejection under 35 USC 112 1st given. Also, there is a pending rejection under 35 USC 112, 2nd that is completely absent. Nevertheless, every ground of rejection set forth in the Office action from which the appeal is taken (as

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modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6453687	Sharood et al	9-2002
6401131	Haverstock et al	6-2002
6282454	Papadopoulos et al	8-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18, 27-28, 31, and 33-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

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contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically the limitation "without said data related to said markup language Web page persisting on said Web server module' is not found in the specification.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said web site page", "said web site" "web page", etc. There is insufficient antecedent basis for these limitations in the claim. Consistent terminology is required throughout the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18, 27-28, 31 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadopoulos et al (USPN: 6,282,454) further in view of Haverstock et al (USPN: 6,401,131).

As to claim 1, Papadopoulos teaches a system for providing information regarding the operation of a control system comprising a web server module (30, Fig 2) associated with said control system (32, Fig 2, programmable logic controller is a control system) said web server module having a memory operative to store a non-markup language web site database that may be used to dynamically generate a markup language web page in response to a request, wherein said web site page is populated by the web server module with information obtained directly from the registers of the control system in response to the request (col 4, lines 9-25, col 6, lines 35-45, col 9, lines 51-66)

a remote computer operative to receive user defined non-markup language configuration data to store said configuration data as said non-markup language web site database, to transmit said non-markup language web site database to said web server module and to request and receive said markup language Web page from said Web server module (col 4, lines 36-45, col 5, lines 20-28, col 9, lines 9-16).

a Web server module configuration application associated with the remote computer operative to create said non-markup language Web site database from information obtained locally at the remote computer and to transmit said database to said web server module in response to the request (col 4, lines 36-46; col 5, lines 20-28; col 8, lines 1-3 and 37-40; col 9, lines 9-16); and

wherein the Web server module is further configured to receive the non-markup language database from the remote computer in a request and to dynamically generate a markup language Web page that includes information obtained directly from memory

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registers of the control system in response to said request without data related to said markup language Web page persisting on said Web server module (col 8, lines 1-3 and 37-40, col 9, lines 9-16).

However, Papadopoulos does not explicitly indicate that the data defines attributes of said web site. Haverstock et al teaches a system and method for viewing production information and generating web pages in which a web server opens a template file related to the requested web page, creates hyperlinks and other information content by executing database references embedded within the template file to generate a markup language page and a web server module configuration application operative to create said non-markup language web site database and to transmit said database to said web server module in response to the request (col 10, lines 27-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Haverstock into those of Papadopoulos to make the system more efficient and customizable. Haverstock's disclosure would allow one to create and update the data records of an information database in response to user manipulation of the GUI.

As to claim 2, Papadopoulos teaches the system wherein said web server module is further operative to identify a user associated with said request and to determine if a user is authorized to receive said webpage based on received priviledge information (see col 4, lines 7-35)

As to claim 3, Papadopoulos teaches the system of claim 2, wherein said web server module is operative to transmit and dynamically generate a markup language web page to the remote computer making said request (col 9, lines 9-16).

As to claim 4, Papadopoulos teaches the web site database further comprising a security profile map defining security level and privilege information for one or more servers, and wherein said web server module is further operative to identify a user associated with said request and to determine if said user is authorized to receive said web page based upon an entry in said security profile map associated with said user (col 4, lines 11-21)

As per claim 5, Papadopoulos teaches Web site database further comprises data defining a Web page comprising a table for reading or writing the contents of a memory register contained within said control system (col. 5, lines 20-29., web site contains tables for reading/writing data retrieved from control system).

As per claim 6, Papadopoulos teaches the system of claim 2, wherein said Web site database further comprises data defining a Web page comprising a non-text rendering of read or write data corresponding to contents of a contained within said control system (col 3, lines 60-66, col 6, lines 5-10, lines 17-26)

As per claims 7-8, Papadopoulos teaches said request comprises a request for said Web page comprising a table and non-text rendering, and wherein said Web server module is operative to identify said memory register, to determine the contents of said memory register, and to create said Web page comprising a table containing said contents of said memory register (Col. 8, Lines 40- 44., upon receiving a request from a

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client, web server retrieves PLC data from control system to store in its table and dynamically create a web page to send to the client device).

As per claim 9 Papadopoulos teaches said Web server module is electrically connected to said control system controller through a backplane interface (col. 4, lines 21-24).

As per claim 12, Papadopoulos teaches said request comprises a hyper-text transport protocol request and wherein said request is received from a Web browser executing on said remote computer (Col. 4, Lines 1-5).

As per claims 13-14, Papadopoulos teaches said dynamically generated markup Language Web page comprises a Web page identifying an alarm generated by said Web server module through the monitoring of data for said control system (Col. 10, Lines 1-7., client user can view the status event (e.g., alarm) of the control system via its browser software through the web site).

As per claim 15, Papadopoulos teaches said Web server module further comprises an Ethernet interface for receiving said non-markup language (e.g., PLC data) Web site database and said requests and wherein said dynamically generated markup language Web page may comprise a Web page providing information regarding the status of said Ethernet interface (Col. 4, Lines 55-58,' web server uses Ethernet interface for communications).

As per claim 17, Papadopoulos teaches said dynamically generated markup Language Web page comprises a Web page providing system administrator or specific user-allowed access that allows active browser session modification of said security

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profile privileges (Col. 4, Lines 1 1-21., user can update security parameters of the system as desired).

As per claim 18 Papadopoulos teaches said Web server module is further operative to receive a plurality of said requests and wherein said dynamically generated markup language Web page may comprise a Web page identifying a like plurality of users connected to said Web server module and associated with said plurality of requests (Col. 3, Line 66 - col. 4, line 5., web site processes plurality of requests from plurality of users as required).

Additionally, Papadopoulos teaches limitations in claim 27 not present in claim 1 including wherein said configuration data defines a table with entries corresponding to the contents of read or write memory registers contained within said control system, wherein said data defining said table is created by receiving a mapping of a text tag to said memory register and by receiving a selection of said tag and a request that said tag be displayed in said table (col 2, lines 41-63; col 6, lines 35-45, table 1, col 9, lines 9-16).

Claims 28, 31, and 33-37 contain similar limitations as the above mentioned claims and are thus rejected under similar rationale.

Claims 10, 11, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papadopoulos and Haverstock in view of Sharood et al, 6,453,687 (hereafter Sharood).

As per claims 10, 11, 16, Papadopoulos and Haverstock teach the system of claim 1 as described above. However, neither Papadopoulos nor Haverstock show the Web server module being electrically connected to said control system controller through a serial or network interface.

In an analogous art to the claimed invention, Sharood shows a module that is electrically connected to a control system controller through a serial or network interface (Fig 2, E204 & E206, col 5, lines 21-28). Hence, it would have been obvious to one of ordinary skill in the art at the time of invention to modify and/or combine the teachings of Papadopoulos and Haverstock with Sharood by allowing a various communication channels (e.g., serial or network ports) to connect to the web server module to enhance the compatibility interfaces of the web server module with various devices.

(10) Response to Argument

In this section, the examiner summarizes the appellant's arguments and responds to them individually.

Argument A: The instant specification provides support for "without data...persisting on said on said Web server module" (see brief page 28).

In response to A), the examiner respectfully disagrees. All of the citations provided by the appellants contain *ABSOLUTELY NO* disclosure of any support for the limitation in question. Furthermore, it seems that the appellants are asserting that the information is inherent and well known in the art and thus it need not be described in detail in the specification. However, it is respectfully submitted that these features are

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not well known in the art. In fact, the appellant argues this limitation separately as not being inherent and not being well known (see brief page 17). At the very least, it is submitted that these claim limitations are not supported by the specification. The limitations in question appear in each and every independent claim and thus the issue is propagated to their dependents, respectively.

Argument B: The elements within the claims are not indefinite because they are reasonably ascertainable by those skilled in the art (see brief page 29).

In response to B), the examiner agrees with appellant's statement that "[a]ppellants agree that these terms are used imprecisely" (see brief page 28). The examiner further contends that the inconsistent use of the terms renders the claim indefinite because the metes and bounds of the claims cannot be clearly determined. Each and every limitation cannot be definitively identified and comprehended. This not only affects the scope of the claim but also the application of art. It is respectfully submitted that not only are the claim limitations not consistent, but also the written description is lacking. This, unquestionably, hinders the ability to examine the claims.

Argument C: Papadopoulus fails to teach or suggest a remote computer operative to receive user-defined non-markup language configuration data, store configuration data as said non-markup language database, and transmit said non markup language website database to said web server module (see brief page 13).

In response to C), the examiner respectfully disagrees. At the onset, it should be noted that the claims contain intended use recitations (i.e., "operative"). It is respectfully submitted that such recitations render some parts of the claims optional. Nevertheless,

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in an effort to be thorough, the examiner has addressed each and every limitation of the claims. Papadopoulos teaches that a remote computer receives a snapshot of configuration data and other hyperlink, text, graphic, and animation data (see col 3, lines 63-65, col 8, lines 37-40). Furthermore, Papadopoulos teaches that the user can update certain data, in the form of multiple message entries and table, and send it to the web server via the controller (see col 7, lines 40-43, col 8, lines 1-3, col 9, lines 9-16). Therefore, it is respectfully submitted that the disclosure of the Papadopoulos is sufficient in teaching the limitations as required.

Argument D: Papadopoulos fails to teach “a non-markup language for defining a Web site” (see brief page 15)

In response to D), it is respectfully submitted that that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Argument E: Papadopoulos fails to teach “without data related to said markup language web page persisting on said web server module” (see brief page 17).

In response to E), it is respectfully submitted that these limitations do not have sufficient written disclosure in the specification. Therefore, the examiner has interpreted the limitation in the broadest reasonable interpretation. Papadopoulos teaches that the web server comprises an input and output buffer that are consistently overridden with data. Furthermore, once the data is processed, it is removed from the buffer and transmitted to its intended destination (col 4, line 47 to col 5, line 11). It is further

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submitted that the appellant seems to also argue that these limitations are inherent and well known in the art (see brief page 28). Therefore, it is respectfully submitted that Papadopoulos teaches the features at least explicitly as described (if not also inherently, as proposed by the appellants).

Argument F: Haverstock fails to teach “a Web server module configuration application associated with the remote computer operative to create said non-markup language Web site database.....defining attributes of said Web site” (see brief page 18)

In response to F), it is respectfully submitted that the Haverstock was not utilized to teach all of such limitations. Rather, the examiner has provided a summary of how Haverstock is relevant and analogous to Papadopoulos. It is also unclear where the appellant's are quoting the examiner's action from on page 18 of the brief. Appellants allege that the examiner relied upon Haverstock to teach certain limitations in the office action on page 4, lines 12-13 of the Final action. However, no such quotation is found. The action clearly and explicitly states that Haverstock was relied upon to teach data that defines attributes of said web site; a feature for which there is ample support for in Haverstock's disclosure (i.e. abstract or col 10, lines 27-60, etc)

Argument G: The templates of Haverstock is not equivalent to a Web server configuration application (see brief pages 20-21).

In response to G), the examiner respectfully submits that, again, Haverstock was not relied upon to teach such limitations. Haverstock was only relied upon to teach data that defines attributes of said web site. Papadopoulos was utilized to teach “a

configuration application *associated with the remote computer*". With regards to this, no deficiencies were found by the appellant in the citations provided.

Argument H: The "elements in claim 27 are substantially similar to corresponding elements in Claim 1. Because the subject matter of these features as recited in Claim 27 is not taught or suggested by the reference as described above in regard to claim 1, these features of Claim 27 are likewise not taught" (see brief page 22).

In response to H), it is respectfully submitted that the teachings of Papadopoulos and Haverstock are sufficient for the same reasons as outlined above.

Argument I: Subject matter not in claim 1 is not taught by the references (see brief page 22).

In response to I), it is respectfully submitted that Papadopoulos teaches each and every limitation of the claim as required. Specifically, Papadopoulos teaches that register data is displayed in a template having a form and a table with the user entering an address and a length. Such data can be text, hyperlink, image, and etc. Therefore, Papadopoulos teaches the claimed subject matter as required.

Argument J: Features of dependent claims 5, 15, and 17 are not taught by the references (see brief page 25-26).

In response to J), it is respectfully submitted that Papadopoulos clearly teaches a web page comprising a tale for reading or writing the contents of memory contained within said control system (col 9, lines 9-16), an Ethernet interface...(col 8, lines 38-44),

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and password and privileges system (col 4, lines 6-25). Therefore, Papadopoulos teaches the scope of the limitations as currently claimed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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